

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2017

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THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.No.8850 of 2017 &

W.M.P.No.9709 of 2017

Arvin dh Rajaraman

.. Petitioner

v.

1. The Banking Ombudsman
Rep. by its Authorized Officer
C/o. Reserve Bank of India
Fort Glacis, Chennai - 600001.

2. CITI Bank
Rep. by its Manager
No.50, C.P.Ramasamy Road
3rd Street, Abiramapuram
Alwarpet
Chennai - 600 018.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the 1st respondent in Proceeding No.BO(Che)/4856/C-2097/2016-17, dated 30.11.2016 and the order of the 2nd respondent dated 18.05.2016 and quash the same and direct the 2nd respondent bank to allow the petitioner to open locker No.8 in presence of erstwhile wife's representative as well as petitioner's representative as an one time exercise.

For Petitioner : Mr.K.Doraisamy, Sr. Counsel
for Mr.Muthumani Doraisamy

For Respondents : Ms.Balambigai Gowri
for Mr.S.Namasivayam - for R2

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ORDER

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent dated 30.11.2016, the order of the 2nd respondent dated 18.05.2016 and to quash the same and direct the 2nd respondent bank to allow the petitioner to open locker No.8 in presence of erstwhile wife's representative as well as petitioner's representative as an one time exercise.

2. The petitioner and his wife, viz., Nivedita Damodaran, entered into a marital settlement agreement dated 06.04.2016 in U.S.A. As per clause 23 of the agreement, the petitioner, who is the husband of the said Nivedita Damodaran, erstwhile husband is having a safe deposit locker at City Bank and that the locker shall be opened by the petitioner in the presence of his erstwhile mother-in-law, viz., P.Kuniel Devi to ascertain the belongings of the petitioner's erstwhile wife.

3. Since the parties had entered into a agreement in USA, the petitioner gave an application before the second respondent seeking permission to open the locker in the presence of the said Kuniel Devi.

4. The second respondent, by their letter dated 18.05.2016, rejected the request made by the petitioner stating that they would not allow any person other than the locker hirers, to access the locker area and only the petitioner, who is the hirer, is entitled to open the locker. Further, they have also stated that even their bank staff are not allowed to enter the locker room, while a locker is being operated by the locker hirer.

5. When the matter came up for hearing on 19.04.2017, the petitioner was directed to file an affidavit of Dr.Kuniel Devi to the effect that she is the mother of Nivedita Damodaran and that she would be present along with the petitioner while opening the locker, hence, the matter was adjourned to today i.e. on 24.04.2017.

6. When the matter is taken up for hearing today, Mr.K.Doraisamy, learned Senior Counsel, appearing for the petitioner

submitted that the erstwhile mother-in-law of the petitioner is not willing to give an affidavit before this court.

7. Ms.Balambigai Gowri, learned counsel appearing for the 2nd respondent also reiterated the stand taken by the 2nd respondent in their reply dated 18.05.2016.

8. Since the petitioner's erstwhile mother-in-law is not willing to accompany the petitioner while opening the locker, I do not find any reason to keep the writ petition pending. Recording the submissions made by the learned counsel on either side, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.04.2017

Index: Yes/No

Rj

To

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M.DURAISWAMY,J.,

Rj

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